

**COMMITTEE ON COUNCIL
MINUTES
JULY 18, 2011**

The Regularly Scheduled Meeting of the Committee on Council was held on Monday, July 18, 2011 in Committee Room #2.

Chairperson Moore recognized a quorum was present and the meeting convened at 11:30 a.m.

The Following Committee Members were Present

**The Honorable Felicia A. Moore, Chair
The Honorable Cleta Winslow
The Honorable Yolanda Adrean
The Honorable Natalyn M. Archibong
The Honorable Kwanza Hall**

The Following Committee Member was not Present

The Honorable Joyce M. Sheperd, Vice-Chair

Others in attendance were Mayor Kasim Reed; Councilman C. T. Martin, District 10; Councilman Ivory Young, Jr., District 3; Kristen Denius, Law Department; Saul Schultz, Law Department; Katrina Taylor Parks, Mayor's Office; General Public, Members of the Press, and Council Staff.

A. ADOPTION OF AGENDA

The Agenda was Adopted without objection.

B. APPROVAL OF MINUTES

The Minutes for the July 5, 2011 Committee on Council Meeting were Approved without objection.

C. ADOPTION OF FULL COUNCIL AGENDA

The Full Council Agenda for July 18, 2011 was Adopted as amended with the recommendation that the Zoning Committee be the first Committee to provide its report.

REGULAR REPORT

D. COMMUNICATIONS

- 11-C-1005 (1) A Communication by Felicia A. Moore, District 9; C. T. Martin; District 10 and H. Lamar Willis, Post 3 At-Large re-appointing **Ms. Rhudine Crawford** to serve as a member of the Water and Sewer Appeals Board, scheduled to begin on the date of Council confirmation. **(Favorable by City Utilities Committee 7/12/11.)**

FAVORABLE (4 YEAS) (0 NAYS)

- 11-C-1075 (2) A Communication by Council President Ceasar C. Mitchell to all members of the Atlanta City Council requesting the Council to accept and issue a formal letter to the personnel file of Municipal Clerk Rhonda Dauphin Johnson.

THE COMMITTEE WENT INTO EXECUTIVE SESSION TO DISCUSS THIS COMMUNICATION

After the executive session and the committee reconvened, Chairperson Moore read the president's recommended letter of reprimand regarding Ms. Johnson and entertained a motion to accept said letter. Council member Hall made a motion to accept the letter after which Chairperson Moore entertained comments from the public. Following comments from the public, Chairperson Moore then opened the floor for discussion by members of the committee. Council member Adrean was recognized and commented that she had requested information as to whether any other warnings or reprimands were in Ms. Johnson's personnel file and that she had been advised that there are none. She then stated that she was ready to support the motion to accept the letter.

Chairperson Moore stated that she was not supportive of accepting the letter and that she wanted the record to reflect her comments as to the reason for her position. Chairperson Moore further stated that she was voting "no" because she felt that stronger action should be taken regarding the ethics finding and other issues. She is concerned as to how the reprimand looks to the public and other council personnel. She stated that as elected officials, they are held to a high standard and that the Clerk should be held to that same high standard. She stated that she tries to be consistent in her positions regardless of the person involved. Again, she doesn't think that a reprimand is appropriate and that she feels that a suspension without pay or some other action should be imposed. Finally, Chairperson Moore stated that she will reiterate her position regarding this matter on the council floor.

President Mitchell was then recognized and stated that he wanted the public to be clear that the issuance of the letter of reprimand was reflective of the will of a majority of the members of the council and that this matter be brought to a close.

Councilman Young was recognized and spoke about the nature of an "at will" employee and that the failure to follow the directions of one's supervisor has consequences.

The vote on the motion to accept the President's letter of reprimand to the Municipal Clerk and to place the letter into her personnel file was favorable by a vote of 3 yeas (Adrean, Hall and Winslow); 1 nay (Moore).

FAVORABLE (3 YEAS) (1 NAY-Moore)

REGULAR REPORT

E. ORDINANCE FOR FIRST READING

- 11-O-1062 (1) An Ordinance by Committee on Council to amend the 2001 City of Atlanta Precincts and Polling Places in precincts 02C, 03C, 03G, 04G, 04V, 06A, 07N, 08C, 08H, 08J, 09A, 09F, 11J and 11N to make permanent relocations as a result of completed renovations, inadequate heating and air conditioning issues at existing facilities; safety issues and name changes; and for other purposes.

TO BE REFERRED TO COMMITTEE ON COUNCIL

F. PAPERS HELD IN COMMITTEE

- 10-O-0133 (1) An Ordinance by Councilmember Felicia A. Moore **as substituted by Committee on Council** to amend Section 2-41 of the Code of Ordinances of the City of Atlanta, Georgia which is currently entitled "Proclamations and Citations" by creating a new Section 2-41 and changing the catchline to "Legislation and Other Items for Consideration by Council" which code section shall set forth the process by which legislation and other items for consideration by the Council shall be presented to the Council; to redesignate Code Section 2-41 as Code Section 2-41.1; to waive conflicting ordinances and code sections; and for other purposes. **(Substituted and held 1/19/10 by the Committee for further discussion and review.)**
- 10-C-0611 (2) A Communication from Mr. Michael B. Wright, Sr., Executive Director, Concerned Black Clergy of Metropolitan Atlanta, Inc. to Municipal Clerk Rhonda Dauphin Johnson, submitting their nomination of **Reverend Richard H. Cobble** to serve as a member of the Reverend James Orange Commission, scheduled to begin on the date of Council confirmation. **(Held 5/3/10 by the Committee to allow the appointee an opportunity to appear before the Committee.)**
- 10-C-1430 (3) A Communication from Thomas W. Cole, Jr., Interim President, Interdenominational Theological Center, to Municipal Clerk Rhonda Dauphin Johnson: submitting their appointment of **Dr. Riggins Earl, Jr.** to serve as a member of the Appeal for Human Rights and the Atlanta Student Movement. **(Held 9/7/10 to give appointee the opportunity to come before the Committee.)**
- 10-C-1748 (4) A Communication from Sam A. Williams, President, Metro Atlanta Chamber, to Municipal Clerk Rhonda Dauphin Johnson, submitting the appointment of **Mr. Bill Clement** to serve as a member of the John Portman and Herman Russell Commission. **(Held 10/4/10 by the Committee to allow the appointee an opportunity to appear before the Committee.)**

F. PAPERS HELD IN COMMITTEE (CONT'D)

- 10-C-1807 (5) A Communication by Councilmembers Carla Smith, District 1; Kwanza Hall, District 2; Ivory Lee Young, Jr., District 3; Cleta Winslow, District 4 and Michael Julian Bond, Post 1 At-large; appointing **Rev. Bernice King** to serve as a member of the Xernona Clayton Commission, scheduled to begin on the date of Council confirmation. **(Held 10/18/10 by the Committee to allow the appointee an opportunity to appear before the Committee.)**
- 10-C-1818 (6) A Communication by Council President Ceasar C. Mitchell, to Municipal Clerk Rhonda Dauphin Johnson, appointing **Mr. Eugene J. Duffy** to serve as a member of the Mr. John Portman and Mr. Herman Russell Commission. **(Held 11/1/10 by the Committee to allow the appointee an opportunity to appear before the Committee.)**
- 10-C-1885 (7) A Communication from the Chair of NPU-M to Municipal Clerk Rhonda Dauphin Johnson, submitting the nomination of **Ms. Lydia Meredith** to serve as a member of the Xernona Clayton Commission, scheduled to begin on the date of Council confirmation. **(Held 11/1/10 by the Committee to allow the appointee an opportunity to appear before the Committee.)**
- 10-C-1907 (8) A Communication from **Mr. A. J. Robinson, President,** Central Atlanta Progress, Downtown Improvement District, to Municipal Clerk Rhonda Dauphin Johnson, appointing himself as representative to serve as a member of the John Portman and Herman Russell Commission. **(Held 11/15/10 by the Committee to allow the appointee an opportunity to appear before the Committee.)**
- 10-O-2101 (9) An Ordinance by Councilmember Michael Julian Bond to amend Chapter 114, Personnel, Article IV, Classification Plan of the Code of Ordinances, City of Atlanta, Georgia, so as to create a Director of Research and Policy in the Department of City Council, Office of Council Staff; and for other purposes. **(Held 12/6/10 by the Committee for further review.)**
- 10-O-2103 (10) An Ordinance by Councilmember Michael Julian Bond to amend Chapter 114, Personnel, Article IV, Classification Plan of the Code of Ordinances, City of Atlanta, Georgia, so as to provide for certain position creations and reclassifications in the Department of City Council, Office of Council Staff; and for other purposes. **(Held 12/6/10 by the Committee for further review.)**

F. PAPERS HELD IN COMMITTEE (CONT'D)

- 11-C-0668 (11) A Communication by Mayor Kasim Reed appointing **Jo Ann J. Macrina, PE**, to serve as Commissioner of the Department of Watershed Management for the City of Atlanta. This appointment is effective upon Council confirmation. **(Favorable by City Utilities Committee 6/14/11; Held 6/20/11 by the Committee for further discussion; Continue to hold 7/18/11 (1 nay vote Moore).)**

Council member Moore read a letter to council members from the mayor dated July 18, 2011 appointing Jo Ann Macrina as Acting Commissioner of Watershed Management effective July 18, 2011. Council member Moore then stated that because Ms. Macrina's appointment as Commissioner of Watershed Management as expressed in 11-C-0668 has been held in committee for some time, and that she is not in favor of Ms. Macrina's appointment, she felt that this communication should be voted up or down by the council, and she therefore, made a motion to "adverse" communication 11-C-0668. Council member Archibong asked if the communication were adverse, could the mayor resubmit her as a nominee or another person, to which Ms. Moore responded "yes". Ms. Archibong then spoke in favor of the motion. Council member Winslow then asked to be recognized and after making her comments, spoke against the motion to adverse. Chairperson Moore then asked that the motion be held for comments from members of the public. She then entertained a motion to enter into executive session, as requested by President Mitchell in his letter of July 15, 2011 to discuss item 11-C-1075 regarding a personnel matter involving the Municipal Clerk. The motion passed and the committee entered into executive session to discuss item 11-C-1075.

After the executive session, Mayor Reed spoke and requested that the council not take an adverse action against Ms. Macrina as the city is in the midst of negotiating an extension of the Consent Decree with the EPA and that moving forward with an adverse recommendation on Ms. Macrina's appointment would send the wrong message to those involved in the negotiations since she is heading up the city's negotiating team. Some members of the public also made comments about the Macrina appointment. Council member Winslow then made a substitute motion to continue to hold 11-C-0668. The motion to continue to hold then passed by a vote of 3 yeas (Winslow, Adrean and Hall) and 1 nay (Moore).

- 11-R-0670 (12) A Resolution by Committee on Council to express the intent of the City Council to revise the job description of the Director of Council Staff and once revised, to open the position to applicants, to conduct interviews and to select the successful candidate; and for other purposes. **(Accepted and held 4/18/11 by the Committee for further discussion and additional information.)**
- 11-R-0794 (13) A Resolution by Councilmembers C. T. Martin, Joyce M. Sheperd and Yolanda Adrean, authorizing the creation of a City Wide Commission to study current methods, alternatives, locations and best practices for honoring citizens in the City of Atlanta; and for other purposes. **(Held 6/6/11 by the Committee for further discussion.)**


F. PAPERS HELD IN COMMITTEE (CONT'D)

- 11-R-0954 (14) A Resolution by Committee on Council to express the intent of the City Council to revise the job description of the Municipal Clerk and once revised, to open the position to applicants, to conduct interviews and to select the successful candidate; and for other purposes. **(Held 6/20/11 by the Committee for further discussion and additional information.)**


ADJOURNMENT

There being no further business before the Committee, the meeting was adjourned at 1:24 p.m.

Respectfully Submitted:


Waspinna H. Griffin, Legislative Assistant


Bernard Thomas, Research & Policy Analyst


The Honorable Felicia A. Moore, Chair
Committee on Council